

OCT 3 - 2001

DELIVERED October 3, 2001 in Independence, Inyo County, California to the U. S. Department of Energy

RE: Supplementary Inyo County Comments on the Yucca Mountain Preliminary Site Suitability Evaluation and the U.S. Department of Energy's Yucca Mountain Site Recommendation Hearing Process.

I am Andrew Remus, staff to the Inyo County Yucca Mountain Nuclear Waste Repository Assessment Office, and I am here to speak on behalf of the Inyo County Board of Supervisors. On September 18, 2001, the Board of Supervisors adopted and submitted to DOE written comments on the Preliminary Site Suitability Evaluation and the Site Recommendation hearing process. The Board will submit verbal testimony at both the Amargosa Valley and Pahrump hearings next week. My comments are supplemental to and consistent with our prior comments.

This attempt at a hearing falls woefully short of meeting the needs and expectations of Inyo County as stated clearly in the Board of Supervisor's letter to DOE Secretary Abraham dated September 4, 2001. In that letter we requested a full public hearing on Site Suitability, attended by Secretary Abraham, at Furnace Creek in Death Valley National Park, the area potentially most negatively impacted from the operation of a repository at Yucca Mountain. Our request gained immediate and unambiguous support in the form of a joint letter from Congressman Jerry Lewis and Senator Dianne Feinstein to Secretary Abraham. Instead of granting our request, the Department has seen fit to ignore it and stage, with minimal notice and lead time, "field hearings" which have none of the scope, scale or exposure warranted of a hearing on a project the magnitude of the proposed repository.

Section 114 (a)(1) of the Nuclear Waste Policy Act, as amended, specifies that:

"The Secretary (DOE) shall hold public hearings in the vicinity of the Yucca Mountain site, for the purposes of informing the residents of the area of such consideration (*consideration of site suitability*) and receiving their comments regarding the possible recommendation of such site."

Neither of Inyo County's "field hearings" is in the vicinity of the Yucca Mountain Site, nor have these hearings been afforded the attention that the critical juncture of site recommendation deserves. Since the County received notice of this hearing just six days ago, and the Federal Register Notice came out today, October 3rd, the residents of the impacted area have received little if any notice of the conduct of this hearing, and have in that respect been denied the opportunity clearly afforded them by the Nuclear Waste Policy Act. It is obvious that, besides being premature and inadequate, these hearings are a clear violation of the letter and intent of the Nuclear Waste Policy Act.

The field hearings are a poorly disguised attempt to placate concerned parties in our County, to avoid further high-profile debacles like the September 5th site characterization hearing in Las Vegas, to enable DOE management to claim they have held public hearings in California, and to expedite the review process to enable DOE to forward a positive recommendation on Yucca Mountain years ahead of the completion of comprehensive scientific studies of the site and before the glaring absence of a transportation risk assessment for Yucca Mountain comes to the attention of Secretary Ridge and the Office of Homeland Security. Absent better placed, noticed and organized hearings, held *after* completion of the Final Environmental Impact Statement and respectful of Inyo County's status as an Affected Unit of Local Government and the jurisdiction most likely to be negatively impacted by the proposed repository, the County will consider DOE's attempt to inform our residents and receive their comments completely inadequate and will pursue correction of DOE's public hearing process by whatever means available.

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